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NOTES OF CASES.

PRINCIPAL AND AGENT.—Where an agent comes into possession of money belonging to his principal, he cannot set up the illegality of a transaction between the principal and a third person, out of which the principal's claim to the fund arose. So, where an agent falsely represented to his principal that a criminal prosecution was about to be instituted against the principal for a crime, and induced the latter to put into his hands a sum of money with which to stifle the prosecution, which sum the agent appropriated to his own use, the principal may, upon discovery of the agent's fraud, recover the amount; and the agent cannot set up the principal's illegal intent, whether the crime had been actually committed or not. *Smith v. Bachley* (Pa.) 41 Atl. 619.

ENJOINING A LIBEL—BOYCOTTING.—The Supreme Court of Minnesota, in *Beck v. Railway Teamsters' Protective Union*, 77 N. W. 13, in a strong opinion by Grant, C. J., upholds the right of a court of equity to protect by injunction the business and property of the plaintiff, against irreparable injury by a boycott instituted by the defendants, whereby the plaintiff's customers and employees are intimidated and coerced by abusive and threatening language. The court also maintains the jurisdiction of equity to enjoin the publication and circulation of a boycotting circular, the accomplishment of the purpose of which will result in irreparable injury to and destruction of property rights. The opinion contains a full collection of the cases on the subject of so-called government by injunction, with a detailed review of many of them.

DELEGATION OF POWER TO APPOINT EXECUTOR.—In *Wilson v. Curtis* (Ind.), 51 N. E. 913, it is held that the delegation by a testator of a power to a third person to appoint an executor, is valid at common law. Quoting from *Bishop v. Bishop*, 56 Conn. 208 (14 Atl. 808), the court says: "The executor is the creation solely of the testator, and it is within the power of the latter not only to appoint personally, but he may project his power of appointment into the future, and exercise it after death through an agent selected by him; and the agent may be pointed out by name, or by his office, or other method of certain identification." *Williams*, Ex'ors, 195, 202; *Woerner*, Adm'n, 239; *Schouler*, Ex'ors, 41; *Crosswell*, Ex'ors & Adm'rs, 52; 1 *Thornton*, Adm'n, 13; 1 *Am. & Eng. Ency. Law*, 180; *Hartnet v. Wandell*, 60 N. Y. 346; *State v. Rogers*, 1 *Houst.* 569; *Mulford v. Mulford*, 42 N. J. Eq. 68 (6 Atl. 609); *Kinney v. Kepling*, 172 Ill. 449 (50 N. E. 131).

HUSBAND AND WIFE—CONFIDENTIAL COMMUNICATIONS.—The strictness with which the law protects confidences between husband and wife is strikingly illustrated by the case of *Mercer v. State* (Fla.) 24 South. 154.

In order to contradict the testimony of a witness for the State, the accused offered in evidence a letter written by the witness to his (witness') wife, which, by means unknown, had come into the possession of counsel for the accused, and in which were statements contradictory of the writer's testimony on the witness stand. Upon objection by the State, the letter was excluded, on the ground that it was a communication between husband and wife, and therefore privileged.